

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

The purpose of the present amendment is to place the application in condition for allowance, considering the comments made by the Examiner in the paragraph bridging pages 11 and 12 of the Office Action.

Thus, all of the pending claims have been cancelled in favor of new claims 10 and 11. These new claims are the same as claims 4 and 9, respectively, except that they incorporate the limitations concerning the amount of acetylsalicylic acid (0.1 to 5% by weight) and the "other excipients" referred to by the Examiner (crotamiton, sesame oil, isopropyl myristate, diisopropyl adipate, polyethylene glycol, hydrocarbon gel and white petrolatum) which are taken from Tables 1-6 in the specification.

Applicants respectfully submit that these amendments should be entered, even though they are presented after final rejection, since the effect of the amendments is to adopt the limitations suggested by the Examiner, thus placing the application in condition for allowance.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 4-7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Inamoto et al. (US '308/ WO '525) as evidenced by Reller (US '548) further in view of Baxter is respectfully traversed.

Inamoto et al. fail to disclose that acetylsalicylic acid is useful for treating a skin wound selected from the group consisting of infectious disease in surgery and vessel and lymphangiopathy, without retarding the healing of the wound.

Reller also fails to disclose that acetylsalicylic acid is useful for treating a skin wound selected from the group consisting of infectious disease in surgery and vessel and lymphangiopathy, without retarding the healing of the wound.

Baxter also fails to disclose that acetylsalicylic acid is useful for treating such wound infections.

In addition, when persistent inflammation or the presence of pus or purulent discharge was found in a surgical wound, one skilled in the art, including a medical doctor would certainly

have administered an antibacterial agent other than acetylsalicylic acid which was not known to be effective for treating infectious disease in surgery.

In the first full paragraph on page 10 of the Office Action, the Examiner takes the position that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. However, Applicants have specifically addressed the combinations of references, as indicated from the bottom of page 4 of the Amendment filed December 20, 2010, and continuing over toward the bottom of page 5 thereof.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that the ground of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Yukiko INAMOTO et al.

/Michael R.

Digitally signed by /Michael R. Davis/
DN: cn=/Michael R. Davis/, o=WLP,
ou, email=mrddavis@wenderoth.com,
c=US
Date: 2011.07.18 13:22:43 -0400

By

Davis/

Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/clw
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 18, 2011